

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-----------------------------|---|--------------------------|
| DARRYL L. FITZHUGH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-24-00845-JD |
| |) | |
| GOOGLE TRUST SERVICES, LLC; |) | |
| META PLATFORMS INC.; |) | |
| ANDROID INDUSTRIES LLC; and |) | |
| MICROSOFT CORPORATION, |) | |
| |) | |
| Defendants. |) | |

ORDER

On October 4, 2024, the Court issued an order [Doc. No. 11] requiring Plaintiff Darryl L. Fitzhugh to show cause by Friday, October 18, 2024, why this case should not be dismissed for lack of federal subject-matter jurisdiction. The Court explained that Plaintiff has the burden of showing subject-matter jurisdiction, and Plaintiff's Complaint failed to sufficiently allege that subject-matter jurisdiction exists. The Court warned Plaintiff that failure to timely comply with the Court's order would result in the dismissal of the action. *See* [Doc. No. 11 at 3]. To date, Plaintiff has not complied with the Court's order, nor has Plaintiff sought any extension of time to comply with the Court's order.

Consequently, the Court DISMISSES Plaintiff's action WITHOUT PREJUDICE.

See Fed. R. Civ. P. 12(h)(3).¹

¹ *See also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (discussing the inherent power of a court to dismiss actions sua sponte for lack of prosecution); *Olsen v. Mapes*, 333 F.3d 1199, 1204 & n.3 (10th Cir. 2003) (even without a motion, a district

IT IS SO ORDERED this 28th day of October 2024.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

court may sua sponte dismiss an action “if the plaintiff fails to comply with [the Federal Rules of Civil Procedure] or any order of court”).